

SPECIAL ORDINANCE NO.10, 2010

APPLICATION FOR REZONING PETITION CITY OF TERRE HAUTE

Common Address of lots to be rezoned:

6391 and 6425 East State Road 42, Terre Haute, IN 47803

Rezone From:	O-1 Agricultural District
Rezone To:	M-1 Light Industry District
Proposed Use:	Truck Sales and Service Facility
Name of Owner:	Palmer Properties, LLC
Address of Owner:	c/o Mr. W.G. Tait PO Box 42607 Indianapolis, IN 46240-0607
Phone Number of Owner:	(812) 232-3388 (Attorneys)
Attorney Representing Owner:	Richard J. Shagley
Address of Attorney:	500 Ohio Street, Terre Haute, IN 47807
For Information Contact:	<input type="checkbox"/> Owner <input checked="" type="checkbox"/> Attorney
Council Sponsor:	Neil Garrison

COPY OF A SITE-PLAN MUST ACCOMPANY THIS APPLICATION

FILED

APR 05 2010

SPECIAL ORDINANCE NO. 10, 2010

CITY CLERK

An Ordinance Amending Chapter 10, of the Terre Haute City Code, Zoning and Subdivision Regulations, as adopted by General Ordinance No. 10, 1999, as Amended, entitled "An Ordinance Adopting And Enacting A Code Of Ordinances For The City Of Terre Haute, Indiana; Establishing The Same; Providing For The Repeal Of Certain Ordinances Not Included Therein, Except As Herein Provided; Providing For The Manner Of Amending Such Code Of Ordinances; Providing A Penalty For Violations Thereof; Providing When This Ordinance Shall Become Effective And Officially Adopting The Terre Haute City Code, And Passing Ordinances Addressing Fees, Fines And Regulations".

BE IT ORDAINED by the Common Council of the City of Terre Haute, Indiana, as follows:

SECTION I. That Chapter 10, of the Terre Haute City Code, known and referred to as "The Comprehensive Zoning Ordinance for Terre Haute" of General Ordinance No. 10, 1999, effective, December 10, 1999, Section 10-121, thereof, District Maps, is hereby amended to read as follows:

Commencing at a point 1,150.6 feet East of the Northwest corner, of the Northeast Quarter, of Section 29, Township 12 North, Range 8 West; running thence East along the North Line of said Northeast Quarter, a distance of 165 feet (Record) 170.87 feet (Meas.) to the Northeast corner of the Northwest Quarter, of the Northeast Quarter of said Section 29; thence South along the East Line of said Quarter, Quarter, Section 792 feet; thence West and parallel to the North Line of said Quarter, 165 feet (Record) 170.87 feet (Meas.); thence North 792 feet to the point of beginning. Containing 3 acres more or less.

(Commonly known as Tract-1 in Katie Estates Subdivision)

Being part of the Northeast Quarter, of the Northeast Quarter, of Section 29, Township 12 North, Range 8 West, of Lost Creek Township, Vigo County, Second Principal Meridian, Indiana; and more particularly described as follows:

Beginning at a point S-00°05'08"-E (Assumed Bearing) along the East Line of said Quarter Quarter, Section 46.95 feet, from the Northwest corner of the Northeast Quarter, of the Northeast Quarter, of Section 29; thence S-70°34'19"-E 313.37 feet; thence N-26°02'42"-E 52.02 feet; thence N-01°33'23"-W 638.80 feet to the South right-of-way line for State Road 42; thence N-86°41'00"-W 100.65 feet; thence S-89°03'24"-W 192.41 feet to the point of beginning.

(Commonly known as Lot-2A being part of Tract-2 in Katie Estates Subdivision)

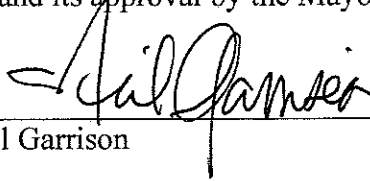
Commonly known as 6391 and 6425 East State Road 42, Terre Haute, IN 47803.

be and the same is, hereby established as a M-1 Light Industry District, together with all rights and privileges that may inure to said real estate and the owners thereof by virtue of the law in such cases provided, subject to all limitations and restrictions imposed thereon by deed or

otherwise.

SECTION II. WHEREAS, an emergency exists for the immediate taking effect of this Ordinance, the same shall be in full force and effect from and after its passage by the Common Council of the City of Terre Haute, and its approval by the Mayor and publication as by law provided.

Presented by Council Member,


Neil Garrison

Passed in open Council this ____ day of May, 2010.

Neil Garrison, President

ATTEST:

Charles P. Hanley, City Clerk

Presented by me, to the Mayor of the City of Terre Haute, this ____ day of May, 2010.

Charles P. Hanley, City Clerk

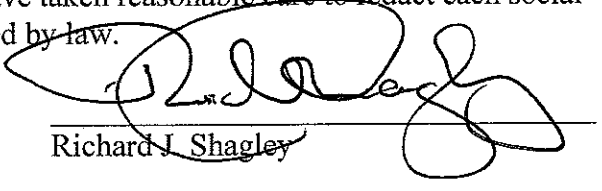
Approved by me, the Mayor of the City of Terre Haute, this ____ day of May, 2010.

Duke A. Bennett, Mayor

ATTEST:

Charles P. Hanley, City Clerk

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law.



Richard J. Shagley

This instrument prepared by Richard J. Shagley, Attorney-at-Law, WRIGHT, SHAGLEY & LOWERY, P.C., 500 Ohio Street, Terre Haute, Indiana 47807.

PETITION TO REZONE REAL PROPERTY

TO: THE PRESIDENT AND MEMBERS OF THE COMMON COUNCIL OF THE CITY OF TERRE HAUTE, INDIANA;

and THE PRESIDENT AND MEMBERS OF THE AREA PLANNING COMMISSION OF VIGO COUNTY, INDIANA.

LADIES and GENTLEMEN:

The undersigned, Palmer Properties, LLC, respectfully submits this Petition to Rezone the following described real estate in the City of Terre Haute, Vigo County, State of Indiana, to-wit:

Commencing at a point 1,150.6 feet East of the Northwest corner, of the Northeast Quarter, of Section 29, Township 12 North, Range 8 West; running thence East along the North Line of said Northeast Quarter, a distance of 165 feet (Record) 170.87 feet (Meas.) to the Northeast corner of the Northwest Quarter, of the Northeast Quarter of said Section 29; thence South along the East Line of said Quarter, Quarter, Section 792 feet; thence West and parallel to the North Line of said Quarter, 165 feet (Record) 170.87 feet (Meas.); thence North 792 feet to the point of beginning. Containing 3 acres more or less.

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Being part of the Northeast Quarter, of the Northeast Quarter, of Section 29, Township 12 North, Range 8 West, of Lost Creek Township, Vigo County, Second Principal Meridian, Indiana; and more particularly described as follows:

Beginning at a point S-00°05'08"-E (Assumed Bearing) along the East Line of said Quarter Quarter, Section 46.95 feet, from the Northwest corner of the Northeast Quarter, of the Northeast Quarter, of Section 29; thence S-70°34'19"-E 313.37 feet; thence N-26°02'42"-E 52.02 feet; thence N-01°33'23"-W 638.80 feet to the South right-of-way line for State Road 42; thence N-86°41'00"-W 100.65 feet; thence S-89°03'24"-W 192.41 feet to the point of beginning.

(Commonly known as Lot-2A being part of Tract-2 in Katie Estates Subdivision)

Commonly known as 6391 and 6425 East State Road 42, Terre Haute, IN 47803.

Your Petitioner is informed and believes that in accordance with Chapter 10, known and referred to as "The Comprehensive Zoning Ordinance for Terre Haute", as amended, the above described real estate is now zoned as O-1 Agricultural District.

Your Petitioner would respectfully state that the real estate is now and has been used as a truck sales and service facility, and your Petitioner intends to continue said use.

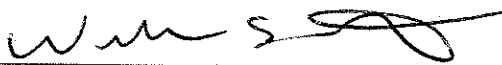
Your Petitioner would request that the real estate described herein shall be zoned as M-1 Light Industry District to allow for the use as proposed by the Petitioner. Your Petitioner would allege that the M-1 Light Industry District would not alter the general characteristics of this neighborhood, since the real estate is located on one of the City's major streets.

Your Petitioner would respectfully show the proposed change would not be detrimental to the public welfare or injurious to the property or improvements in the area.

WHEREFORE, your Petitioner respectfully requests that the Area Planning Commission and the Common Council of the City of Terre Haute, Indiana favorably consider the passage of a Special Ordinance amending the District Maps of Chapter 10, of the Terre Haute City Code entitled The Comprehensive Zoning Ordinance for Terre Haute, Section 10-121 District Maps and declaring the above-described real estate to be part of the M-1 District of the City of Terre Haute, Indiana, and is entitled to the rights and benefits that may accrue to the real estate and the owners thereof by virtue of the new designation subject to all limitations imposed by deed or otherwise.

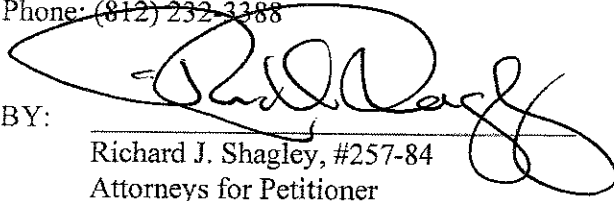
IN WITNESS WHEREOF, the undersigned Petitioner has executed this Petition to Rezone Real Property this 1 day of April, 2010.

PETITIONER:
PALMER PROPERTIES, LLC

By: 
W. G. Tait

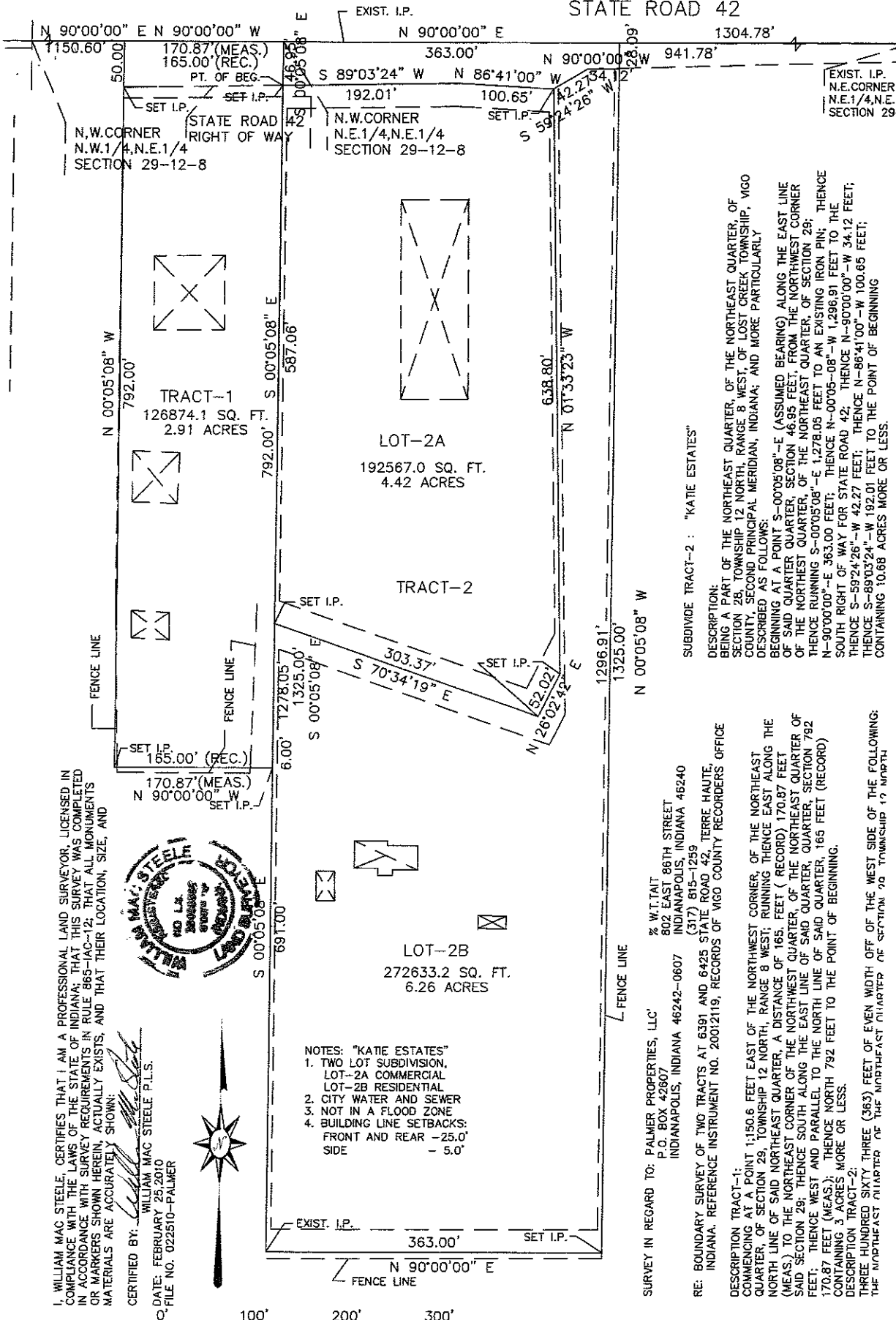
WRIGHT, SHAGLEY & LOWERY, P.C.
500 Ohio Street
Terre Haute, IN 47807
Phone: (812) 232-3388

BY:


Richard J. Shagley, #257-84
Attorneys for Petitioner

The owner and mailing address: Palmer Properties, LLC, c/o Mr. W. G. Tait, PO Box 42607, Indianapolis, IN 46240-0607.

This instrument prepared by Richard J. Shagley, Attorney-at-Law, WRIGHT, SHAGLEY & LOWERY, P.C., 500 Ohio Street, P.O. Box 8448, Terre Haute, Indiana 47808-8448.



SITE PLAN

0-1 to M-1

**6391 and 6225
EAST STATE
ROAD 42**

**TRUCK SALES
AND SERVICE
FACILITY**

**PALMER PROPERTIES,
LLC**

SUBDIVIDE TRACT-2: "KATIE ESTATES"

DESCRIPTION:
BEING A PART OF THE NORTHEAST QUARTER, OF THE NORTHEAST QUARTER, OF SECTION 28, TOWNSHIP 12 NORTH, RANGE 8 WEST, OF LOST CREEK TOWNSHIP, VIGO COUNTY, SECOND PRINCIPAL MERIDIAN, INDIANA; AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT A POINT S-00°05'08"-E (ASSUMED BEARING) ALONG THE EAST LINE OF SAID QUARTER, SECTION 46.85 FEET, FROM THE NORTHWEST CORNER OF THE NORTHEAST QUARTER, OF THE NORTHEAST QUARTER, OF SECTION 28; THENCE RUNNING S-00°05'08"-E 1,278.05 FEET TO AN EXISTING IRON PIN; THENCE N-90°00'00"-E 363.00 FEET; THENCE N-00°05'-08"-W 1,296.91 FEET TO THE SOUTH RIGHT OF WAY FOR STATE ROAD 42; THENCE N-86°41'00"-W 34.12 FEET; THENCE S-89°03'24"-W 42.27 FEET; THENCE N-00°05'-08"-W 100.65 FEET; THENCE S-89°03'24"-W 192.01 FEET TO THE POINT OF BEGINNING CONTAINING 10.68 ACRES MORE OR LESS.

SURVEY IN REGARD TO: PALMER PROPERTIES, LLC
P.O. BOX 42807
INDIANAPOLIS, INDIANA 46240
(317) 815-1259

RE: BOUNDARY SURVEY OF TWO TRACTS AT 6391 AND 6425 STATE ROAD 42, TERRE HAUTE, INDIANA. REFERENCE INSTRUMENT NO. 20012119, RECORDS OF VIGO COUNTY RECORDERS' OFFICE

DESCRIPTION TRACT-1:
COMMENCING AT A POINT 1,150.6 FEET EAST OF THE NORTHWEST CORNER, OF THE NORTHEAST QUARTER, OF SECTION 29, TOWNSHIP 12 NORTH, RANGE 8 WEST; RUNNING THENCE EAST ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 165. FEET (RECORD) 170.87 FEET (MEAS.) TO THE NORTHWEST CORNER OF THE NORTHEAST QUARTER, OF THE NORTHEAST QUARTER OF SAID SECTION 29; THENCE SOUTH ALONG THE EAST LINE OF SAID QUARTER, SECTION 792 FEET; THENCE WEST AND PARALLEL TO THE NORTH LINE OF SAID QUARTER, 165 FEET (RECORD) 170.87 FEET (MEAS.); THENCE NORTH 792 FEET TO THE POINT OF BEGINNING, CONTAINING 5 ACRES MORE OR LESS.

DESCRIPTION TRACT-2:
THREE HUNDRED SIXTY THREE (363) FEET OF EVEN WIDTH OFF OF THE WEST SIDE OF THE FOLLOWING: THE NORTHEAST QUARTER, OF THE NORTHEAST QUARTER, OF SECTION 28, TOWNSHIP 12 NORTH

**WILLIAM MAC STEELE
ENGINEERING AND LAND SURVEYING
875 EAST COUNTY ROAD 250 NORTH
SULLIVAN, INDIANA 47882
(812) 268-3813**